

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-gj-00034-BAH
Internal Use Only

IN RE: GRAND JURY INVESTIGATION
Assigned to: Chief Judge Beryl A. Howell
Cause: Civil Miscellaneous Case

Date Filed: 06/13/2018
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: U.S. Government Plaintiff

In Re

GRAND JURY INVESTIGATION

Interested Party

UNITED STATES OF AMERICA

represented by **Aaron Simcha Jon Zelinsky**
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Date Filed	#	Page	Docket Text
06/14/2018			MINUTE ORDER (paperless) ISSUING, upon consideration of the government's 1 Motion to Compel and for Order to Show Cause, the following SCHEDULING ORDER to control further proceedings: (1) by 5 p.m. on Thursday, June 14, 2018, Andrew Miller shall file any response to the government's motion; (2) by 12 p.m. on Friday, June 15, 2018, the government shall file any reply; (3) at 2 p.m. on Monday, June 18, 2018, the parties shall appear before Chief Judge Beryl A. Howell for a hearing on the government's motion. The government is DIRECTED to provide opposing counsel with a copy of this Order. Signed by Chief Judge Beryl A. Howell on June 13, 2018.(lcbah1) (Entered: 06/14/2018)
06/14/2018			MINUTE ORDER (paperless) MODIFYING the scheduling order as follows: by 5 p.m. today, Thursday, June 14, 2018, Andrew Miller shall file any response to the government's 1 motion either (1) through the Clerk's Office or (2) to Howell_Chambers@dcd.uscourts.gov, and then through the Clerk's Office by 9:30 a.m. on Friday, June 15, 2018. Should Mr. Miller submit his response via email, he shall simultaneously provide the government a copy. The scheduling order otherwise remains unchanged. Signed by Chief Judge Beryl A. Howell on June 14, 2018. (lcbah1) (Entered: 06/14/2018)
06/18/2018			MINUTE ORDER (paperless) GRANTING the witness's 6 Motion for Admission <i>Pro Hac Vice</i> . Ms. Alicia Dearn may enter an appearance <i>pro hac vice</i> for the purpose of representing the witness in this action. Signed by Chief Judge Beryl A. Howell on June 18, 2018. Counsel have NOT been notified. (lcbah4) (Entered: 06/18/2018)
06/18/2018			Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing held on 6/18/2018. Order forthcoming. (Court Reporter Elizabeth Saint-Loth.) (ztg) (Entered: 06/18/2018)
06/18/2018			MINUTE ORDER (paperless) GRANTING, upon consideration of the parties' filings, the hearing held on June 18, 2018, and the entire record herein, the

		government's 1 Motion to Compel and for Order to Show Cause Why the Witness Should Not Be Held in Contempt for Failure to Appear before the Grand Jury as Required by Subpoena and 2 Supplemental Motion to Compel and for Order to Show Cause, and DENYING AS MOOT the witness's 4 Motion to Quash, or, in the Alternative, Modify Grand Jury Subpoenas, in light of the government's agreement in its 3 Reply Motion to Compel ("Gov't Reply") to "limit the subpoena for documents to the search terms proposed by" the witness. Gov't Reply at 1. Accordingly, the witness is DIRECTED to appear before the grand jury on June 29, 2018, unless the parties notify the Court of an alternate arrangement. The witness is further DIRECTED, by 12:00 p.m. on June 25, 2018, to perform the searches as agreed to by the parties on the record and in their filings and produce the results of those searches to the government. Signed by Chief Judge Beryl A. Howell on June 18, 2018. Counsel have NOT been notified. (lcbah4) (Entered: 06/18/2018)
06/28/2018	<u>10</u>	MOTION to Quash THE GRAND JURY SUBPOENAS, MOTION to Stay COURTS JUNE 18, 2018, MINUTE ORDER, MOTION RELIEVE HIM FROM ANY FURTHER DUTY TO PRODUCE ADDITIONAL DOCUMENTS COVERED BY THE SUBPOENAS by ANDREW MILLER (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Text of Proposed Order)(zrdj) (Entered: 06/28/2018)
06/28/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the witness's <u>10</u> Motion to Quash, the parties to confer and, by 5 PM today, June 28, 2018, propose a schedule to control further proceedings in this matter. Signed by Chief Judge Beryl A. Howell on June 28, 2018. (lcbah1) (Entered: 06/28/2018)
06/28/2018		MINUTE ORDER (paperless) DIRECTING the parties to appear, at 10:15 a.m. on Friday, June 29, 2018, before Chief Judge Beryl A. Howell in Courtroom 22. Signed by Chief Judge Beryl A. Howell on June 28, 2019. (lcbah1) (Entered: 06/28/2018)
06/29/2018	<u>11</u>	STATUS REPORT by UNITED STATES OF AMERICA. (zrdj) (Entered: 06/29/2018)
06/29/2018		MINUTE ORDER (paperless) ISSUING, upon consideration of the government's <u>11</u> Status Report, the following scheduling order to govern further proceedings in this matter: (1) by July 10, 2018, the government shall file any opposition to the witness's <u>10</u> Motion to Quash; (2) by July 16, 2018, the witness shall file any reply to the government's opposition; (3) at 9:30 AM on July 18, 2018, the parties shall appear before Chief Judge Howell in Courtroom 22. Signed by Chief Judge Beryl A. Howell on June 29, 2018. (lcbah1) Modified on 6/29/2018 (tg). (Entered: 06/29/2018)
06/29/2018		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Conference held on 6/29/2018. (Court Reporter Elizabeth Saint–Loth.) (ztg) (Entered: 07/02/2018)
07/02/2018	<u>13</u>	MOTION FOR PERMISSION TO OBTAIN THE TRANSCRIPT OF THE SEALED HEARING ON JUNE 29, 2018 by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 07/02/2018)
07/02/2018	<u>15</u>	ORDER granting <u>13</u> Motion FOR PERMISSION TO OBTAIN THE TRANSCRIPT OF THE SEALED HEARING ON JUNE 29, 2018. Signed by Chief Judge Beryl A. Howell on 7/2/2018. Copy(s) made available to counsel of

		record.(zrdj) (Entered: 07/02/2018)
07/06/2018	<u>16</u>	SEALED CORRECTED TRANSCRIPT OF PROCEEDINGS before Chief Judge Beryl A. Howell held on 6/18/2018; Page Numbers: 1–15. Court Reporter/Transcriber Elizabeth Saint–Loth. (zrdj) (Entered: 07/09/2018)
07/06/2018	<u>17</u>	SEALED TRANSCRIPT OF PROCEEDINGS before Chief Judge Beryl A. Howell held on 6/29/2018; Page Numbers: 1–19. Court Reporter/Transcriber Elizabeth Saint–Loth. (zrdj) (Entered: 07/09/2018)
07/17/2018	<u>19</u>	REPLY to opposition to motion re <u>10</u> MOTION to Quash MOTION to Stay MOTION RELIEVE HIM FROM ANY FURTHER DUTY TO PRODUCE ADDITIONAL filed by ANDREW MILLER. (zrdj) (Entered: 07/18/2018)
07/18/2018		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Hearing held on 7/18/2018. (Court Reporter Lisa Moreira.) (ztg) (Entered: 07/18/2018)
07/19/2018	<u>20</u>	Post–Hearing Submission by ANDREW MILLER (zrdj) (Entered: 07/19/2018)
07/19/2018	<u>21</u>	Letter to the Court from Aaron S. J. Zelinsky from Aaron S. J. Zelinsky (zrdj) (Entered: 07/19/2018)
07/31/2018	<u>22</u>	ORDER denying the witness's <u>10</u> Motion to Quash. See Order for further details. Signed by Chief Judge Beryl A. Howell on July 31, 2018. (lcbah1) (Entered: 07/31/2018)
08/01/2018	<u>24</u>	MOTION Public Release of Opinion with Redactions by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Att A, # <u>2</u> Att B, # <u>3</u> Text of Proposed Order)(zrdj) (Entered: 08/02/2018)
08/02/2018	<u>25</u>	Amended MOTION for Public Release of Opinion with Redactions by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 08/02/2018)
08/02/2018	<u>26</u>	MEMORANDUM AND ORDER granting the government's <u>24</u> Motion for Public Release of Opinion with Redactions and <u>25</u> Amended Motion for Public Release of Opinion with Redactions. See Order for further details. Signed by Chief Judge Beryl A. Howell on August 2, 2018. Certified copy(s) made available to counsel of record. (lcbah4) (Entered: 08/02/2018)
08/08/2018	<u>30</u>	JOINT RECOMMENDATION OF UNSEALING WITH REDACTIONS (zrdj) (Entered: 08/08/2018)
08/08/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>30</u> Joint Recommendation of Unsealing With Redactions, the parties, by 5 PM today, August 8, 2018, to notify the Court of their recommendation as to whether their Joint Recommendation, as well as their response to this Minute Order, should be unsealed. Signed by Chief Judge Beryl A. Howell on August 8, 2018.(lcbah1) (Entered: 08/08/2018)
08/08/2018	<u>31</u>	JOINT RECOMMENDATION OF UNSEALING REGARDING ECF <u>30</u> by UNITED STATES OF AMERICA (zrdj) (Entered: 08/08/2018)
08/08/2018	<u>32</u>	ORDER regarding the parties' <u>30</u> and <u>31</u> Joint Recommendations of Unsealing. See Order for further details. Signed by Chief Judge Beryl A. Howell on August 8, 2018.(zrdj) (Entered: 08/08/2018)

08/08/2018		***Case Unsealed pursuant to <u>32</u> Order, Signed by Chief Judge Beryl A. Howell on August 8, 2018 (zrdj) (Entered: 08/08/2018)
08/09/2018	<u>33</u>	SEALED MOTION filed by ANDREW MILLER. (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 08/09/2018)
08/10/2018	<u>34</u>	SEALED DOCUMENT filed by UNITED STATES OF AMERICA. (This document is SEALED and only available to authorized persons.)(zrdj) (Entered: 08/10/2018)
08/10/2018	<u>35</u>	SEALED Response filed by UNITED STATES OF AMERICA re <u>33</u> SEALED MOTION filed by ANDREW MILLER. (This document is SEALED and only available to authorized persons.) (zrdj) (Entered: 08/10/2018)
08/10/2018	<u>36</u>	CONTEMPT ORDER. Signed by Chief Judge Beryl A. Howell on 8/10/2018. (This document is SEALED and only available to authorized persons.) (ztg) Modified on 8/13/2018 (ztg). (Entered: 08/10/2018)
08/13/2018	<u>37</u>	SEALED REPLY TO OPPOSITION filed by ANDREW MILLER re <u>33</u> SEALED MOTION filed by ANDREW MILLER. (This document is SEALED and only available to authorized persons.) (This document is SEALED and only available to authorized persons.)(Kamenar, Paul) (Entered: 08/13/2018)
08/13/2018	<u>38</u>	SEALED MOTION filed by UNITED STATES OF AMERICA. (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 08/13/2018)
08/13/2018	<u>39</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>26</u> Order on Motion for Miscellaneous Relief, <u>22</u> Order on Motion to Quash, Order on Motion to Stay, Order on Motion for Miscellaneous Relief and <u>36</u> CONTEMPT ORDER Signed by Chief Judge Beryl A. Howell on 8/10/2018 by ANDREW MILLER. Filing fee \$ 505, receipt number 0090-5635918. Fee Status: Fee Paid. Parties have been notified. (Kamenar, Paul) Modified on 8/13/2018 to add linkage and to indicate that this notice of appeal is not under seal.(ztnr) (Entered: 08/13/2018)
08/13/2018	<u>40</u>	SEALED ORDER re <u>38</u> SEALED MOTION filed by UNITED STATES OF AMERICA. (This document is SEALED and only available to authorized persons.) by Chief Judge Beryl A. Howell on 8/13/2018.(zrdj) (Entered: 08/13/2018)
08/14/2018	<u>41</u>	Transmission of the Notice of Appeal, OrderAppealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals in paper format. The Court of Appeals fee was paid this date re <u>39</u> Notice of Appeal to DC Circuit Court. (jf) (jf). (Entered: 08/14/2018)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN THE MATTER OF
GRAND JURY INVESTIGATION

UNDER SEAL

No. 18-GJ-34 (BAH)

NOTICE OF APPEAL OF ANDREW MILLER

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Andrew Miller, through his undersigned attorney, hereby files this Notice of Appeal to the United States Court of Appeals for the District of Columbia Circuit of the Order of Civil Contempt issued by Chief Judge Beryl A. Howell of the U.S. District Court for the District of Columbia on August 10, 2018, holding Mr. Miller in civil contempt of court for failing to appear and testify before the Grand Jury on August 10, 2018. ECF No. 36. A corrected order was issued and docketed on August 13, 2018. ECF No. 38.

Mr. Miller also appeals and seeks review of the District Court's Order and Memorandum Opinion issued under seal on July 31, 2018, dismissing his Motion To Quash (ECF No. 22) which was subsequently unsealed with redactions on August 2, 2018 (ECF No. 26).

Respectfully submitted,

/s/ Paul D. Kamenar

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Date: August 13, 2018